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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,237	09/25/2006	Kenichi Oi	296758US3PCT	7376
22850 7590 03/05/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER DABNEY, PHYLESHA LARVINIA				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
03/05/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/594,237

Applicant(s)

OI, KENICHI

Examiner

PHYLESHA DABNEY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is in response to the Application filed on 23 December 2008 in which claims 5-9 are pending, and claims 1-4 were cancelled.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first slide piece provided on the second body which is slidable in the first slot" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to provide support for a "first slide piece provided on the second body which is slidable in the first slot" (disclosed in claim 1). As per the specification and drawings, first slide piece 31a is not slidable in the first slot 21b.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bae et al (U.S. Patent No. 7,162,283).

Regarding claim 5, Bae teaches a portable telephone (fig. 1) in which two bodies (10, 20) thereof are placed in superposed relation, and one body slides relative to the

other body to change how far they superpose, thus expanding and contracting the overall length of the telephone in the sliding direction; and a rotation prevention mechanism (fig. 2; 202) configured to prevent the first and second bodies from rotating with respect to each other, wherein one body can pull out relative to the other body with an area left where a part of one body is superposed on the other body in the extended state (fig. 2), wherein the rotation preventing mechanism is provided entirely within the superposed area in the extended state as claimed.

Regarding claim 6, Bae teaches an apparatus (fig. 1) in which a first body and a second body (10, 20) are slidably superposed opposed to each other, the apparatus including a closed state in which opposite faces totally superpose each other and an opened state in which the opposite faces partially superpose each other, wherein a first slot (10, 10a) is formed in the first body and a first slide piece (20, 20a) is provided on the second body which is slidably engaged in the first slide slot, and a second slot (26) is formed on the second body and a second slide piece (30) is provided on the first body which is slidably engaged in the second slide slot within an area in which the first body and the second body are superposed in the opened state.

Regarding claim 7, Bae teaches the portable telephone according to claim 6, wherein an engaging pawl (fig. 4) provided in one of the two bodies is slidably engaged with the other body within the superposed area in the extended state, and a sliding piece (fig. 4) provided in one of the two bodies is slidably engaged with the other body

within the superposed area.

Regarding claim 8, Bae teaches the portable telephone according to claim 7, wherein an auxiliary concavity (26, the second of the pair of slots) is formed in a portion of one body having an operation plane exposed to outside the superposed area in the extended state, and an auxiliary convexity (38, the second of the pair of protrusions) engaging in the auxiliary concavity is formed in a portion of the other body to prevent the two bodies from relatively rotating with these auxiliary convexity and concavity engaged with each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bae.

Regarding claim 9, Bae does not teach specifics of the portable telephone according to claim 8, wherein a wiring member providing an electrical connection between the two bodies is received in the auxiliary concavity. However, the Examiner takes official notice that it is known to include a wiring member, i.e. printed circuit board, etc., in a portable telephone to provide an electrical connection, thus a complete circuit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to include a wiring member in the portable telephone of Bae for the reason stated.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

With respect to the Applicant's argument pertaining to claim 5 that Bae fails to *teach concave and convex surfaces formed on the telephone bodies*, the Examiner disagrees. As per figures 1, 2, and 4, the bodies of contoured. Thus, there is concave and convex portions present on both bodies.

With respect to the Applicant's argument pertaining to claim 6 that Bae fails to *teach a first slot is formed in the first body and a first slide piece is provided on the second body which is slidably engaged in the first slide slot, and a second slot is formed on the second body and a second slide piece is provided on the first body which is slidably engaged in the second slide slot*, the Examiner disagrees. Bae teaches a first slot (fig. 4) wherein pawl components, depicted with overhanging lips, are supported in the first slots and a first slide piece (fig. 4) corresponding grooves or lips of the second body (20); and a second slot (26) formed in the second body which engages the second slide piece (38).

With respect to the Applicant's statement that Park was used to reject claim 9, the Examiner respectfully disagrees. Bae was used to reject claim 9. Any reference to Park was merely a typographical error, which is clearly evident from the reference

numeral used in addition to the body of the rejection of claim 9 stating the Bae reference was being used. The typographical error has been corrected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Monday through Thursday 9:00-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks

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Or faxed to:

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:

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March 1, 2009

/PHYLESHA DABNEY/
Examiner, Art Unit 2614
/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614